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NIXON & VANDERHYE, PC			PILLAI, NAMITHA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/833,651	NAKAI ET AL.	
	Examiner	Art Unit	
	NAMITHA PILLAI	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 May 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 9 is/are allowed.
- 6) Claim(s) 1-8 and 10-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 5/12/08 including arguments against the current rejection. The arguments against the rejection of claims under 35 U.S.C. 112, first paragraph has been persuasive. Therefore the 35 U.S.C. 112 rejection has been withdrawn. The 35 U.S.C. 103 rejections have been maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,546,527 (Fitzpatrick et al.), herein referred to as Fitzpatrick and U. S. Patent No. 5,638,505 (Hemenway et al.), herein referred to as Hemenway.

Referring to claim 1, Fitzpatrick discloses a print control operation system using icons including a display picture for displaying a print icon having predetermined print conditions and a file icon of a file to be printed, print processing of the file being executed under the predetermined print conditions in the print icon by dragging the file icon and dropping the file icon on the print icon (Figure 4 and column 1, lines 21-30). Fitzpatrick discloses that print icon is formed so that the display is altered to a setting of the print conditions, wherein the print icon is formed to have default print conditions (column 1, lines 27-30). The print icon of Fitzpatrick limits on specific functions among

print processing functions, where the print processing functions are the print processing parameters that are used to apply to the printer and print job (column 4, lines 1-4), with the print processing functions associated with a corresponding printer. Fitzpatrick discloses that the print icons represents specific functions related to print processing functions provided in a corresponding printer (column 1, lines 22-30), with the corresponding printer containing specific functions that are applied to the printing process of the file to be printed. Fitzpatrick discloses that the print command as a function is issued specifying the file icon for the printer when the file icon is dragged and dropped on the print icon (column 1, lines 22-30). The print command is issued specifying the file icon for the printer when the file icon is dragged and dropped on the print icon (column 1, lines 22-30). Fitzpatrick also discloses that the print icon is generated and represented on the screen with designated functions that are frequently used, where the default print processing parameters represent the frequently used print processing functions that are applicable to a printer (column 1, lines 60-67). Fitzpatrick also discloses the predetermined print conditions in the print icon being displayed on the display picture in a recognizable display form (Figure 4 and column 2, lines 11-13) but discloses that the print conditions are displayed by locating the file icon on the print icon. Hemenway carries out the same methods as disclosed by Fitzpatrick of dragging and dropping a file icon on to a print icon in order to print the contents of the file icon (column 1, lines 65-67 and column 2, lines 1-5). Hemenway in addition to that, also displays the print conditions in a recognizable display form when the file icon is not located over the print icon, wherein this print information is always displayed (reference

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number 46, Figure 3A). It would have been obvious for one skilled in the art at the time of the invention to display the print conditions in a recognizable display form when the file icon is not located over the print icon. Hemenway and Fitzpatrick both teach printing files through icon manipulation, wherein a file icon is dragged and dropped onto a print icon in order for that distinct printer to print the file. Hemenway furthermore allows for the user to view the print conditions without an additional dragging process, wherein this convenient method can be beneficial in Fitzpatrick's disclosure, wherein the user can view the print conditions before dragging the file icon. Furthermore, Fitzpatrick teaches prior art and well known methods in the field of printer processing, wherein the user had access to a printer icon containing printer conditions, wherein a direct access of the user by clicking on this printer icon would allow for the print conditions to be displayed on the display picture in a recognizable display form when the file icon is not located over the print icon (column 1, lines 35-50). Hemenway further teaches the methods as discussed above.

Referring to claim 2, Fitzpatrick discloses that at a time point when a file icon of a file to be printed is superposed on the print icon, an outline of the print conditions preset in the print icon are displayed on the display picture (Figure 4 and column 2, lines 32-37).

Referring to claim 10, Fitzpatrick discloses that a time point when a file icon of a file to be printed is superposed on the print icon, a printing preview of the file icon is displayed on the display picture, wherein the print parameters which apply to the file icon for printing inherently teaches a preview means for the previewing of the file icon

(Figure 4), further as per the present claims, a preview is available of the file icon, wherein the file icon is displayed to the user when the file icon is superposed onto the printer icon as shown in Figure 3, wherein this display of the file icon allows the user to have a print preview of the file icon, wherein the file that is to be printed, is previewed, thus teaching a printing preview of the file icon.

3. Claims 3, 5-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick and U.S. Patent No. 7,065,716 B1 (Rzepkowski et al.), herein referred to as Rzepkowski.

Referring to claim 3, Fitzpatrick discloses a print control operation system using icons including a display picture for displaying a print icon having predetermined print conditions and a file icon of a file to be printed, print processing of the file being executed under the predetermined print conditions in the print icon by dragging the file icon and dropping the file icon on the print icon (Figure 4 and column 1, lines 21-30). Fitzpatrick discloses that the print conditions in the print icon are displayed on the display picture in a recognizable display form (Figure 4 and column 2, lines 11-13). Fitzpatrick discloses at a time point a file icon of a file to be printed is superposed on the print icon, a printing preview of the file icon is displayed on the display picture, wherein the print parameters which apply to the file icon for printing inherently teaches a preview means for the previewing of the file icon (Figure 4), further as per the present claims, a preview is available of the file icon, wherein the file icon is displayed to the user when the file icon is superposed onto the printer icon as shown in Figure 3, wherein this display of the file icon allows the user to have a print preview of the file icon, wherein

the file that is to be printed, is previewed, thus teaching a printing preview of the file icon. Fitzpatrick disclose displaying a printing preview of the file icon but does not disclose providing preview data that displays what is contained within this file icon. Rzepkowski discloses providing a preview of file data to along with parameters and preview data that displays what is contained within a file (). It would have been obvious to one skilled in the art, at the time of the invention, to learn from Rzepkowski to disclose providing a preview of file item associated with a file icon when the file icon is superposed on a printer icon. Fitzpatrick has already disclosed providing a preview of print conditions associated with one of the icons, being the print icon without actually having to open the application in order to view the print data. Therefore, Fitzpatrick has taught previewing of data associated with icons when a distinct icon is superposed over another icon. Rzepkowski provides parameters and preview data of the document with the parameters applied to the document, so that the user may view how the parameters are implemented into the document and how it looks. This would provide the user of Fitzpatrick with the additional data that conveys exactly how the document will look when printed. With this teaching in Fitzpatrick and the user's desire to preview data to be printed, it would have been obvious for one skilled in the art at the time of the invention to apply the previewing of print conditions to those of the contents of the file icon. Therefore, it would have been obvious to one skilled in the art at the time of the invention to disclose displaying a print preview of items associated with the file icon when the file icon is superposed on to the print icon.

Referring to claim 5, Fitzpatrick discloses when a file icon of a file to be printed is

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dragged and dropped on the print icon, a window for setting print conditions of the print icon is opened (column 2, lines 47-50 and Figure 4).

Referring to claim 6, Fitzpatrick discloses when a file is dragged and dropped on the print icon, a printer capable of conducting print processing is automatically selected based on print conditions set in the print icon, wherein once the file icon is dropped onto a print icon, from within the parameters disclosed, the specific printer is determined (column 4, lines 1-4).

Referring to claim 7, Fitzpatrick discloses when a tile icon is dragged and dropped on the print icon, a printer capable of conducting a print processing is automatically selected from among printers in a stand-by state, based on print conditions set in the print icon (column 3, lines 58-60 and column 4, lines 1-4).

Referring to claim 8, Fitzpatrick discloses a printer to be used is set in the print icon as one of set conditions of the print icon (column 4, lines 1-4). Fitzpatrick discloses monitoring the target print icons to determine if the state of the printer is monitored such that the printer cannot execute processing set in the print icon, the print icon is controlled so as not to be displayed (column 6, lines 24-30), wherein Fitzpatrick teaches upon determining that the printer target is cannot do processing will ensure that the print icon is not to be displayed and not accessible for manipulation.

Referring to claim 11, Fitzpatrick discloses that the printing preview allows a user to view and confirm contents of a file to be printed without having to open the file on an application based on the combination presented for the rejection of claim 3, teaching that the information provided for previewing is done so without opening an application

and where the display shows simply the items without any relation to a specific application under which the items have been accessed.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick, Rzepkowski and Hemenway.

Referring to claim 4, Fitzpatrick does not explicitly imply a plurality of file icons of files to be printed being dragged and dropped on the printer icon and further determining that the files are consecutively subject to print processing. Hemenway much like Fitzpatrick, allows for a drag and drop means for dragging file documents and dropping them onto print icons for printing to occur, wherein Hemenway goes further to display to teach that multiple print jobs are applicable to the one print icon (Figure 5C and column 11, lines 28-31), wherein printer Spitfire discloses having multiple files icons to be printed. It would have been obvious for one skilled in the art, at the time of the invention to learn from Hemenway to implement a means for a plurality of file icons of files to be printed by dragging and dropping the files onto the print icon, the files being consecutively printed as a series of recorded matters. It is necessary to have a method for printing various documents, which is necessary for users of any computer system. Thus, as Hemenway teaches, the ability to drag and drop a plurality of documents on to the print source or icon allows for the print jobs to be queued to be processed consecutively, thus allowing for various documents to be printed at the same time.

Response to Arguments

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5. Applicant's arguments, with respect to the 35 U.S.C. 112, first paragraph rejection have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 1, 2 and 10 has been withdrawn.

6. Applicant's arguments with respect to the 35 U.S.C. 103 rejections have been fully considered but they are not persuasive.

Applicant argues that Fitzpatrick and Hemenway do not disclose the print icon having the predetermined print conditions. The Examiner respectfully disagrees. The print icons in Fitzpatrick and Hemenway contain print conditions that are applied to a printed document. These icons represent print conditions that are accessible and applied to a document to be printed. Therefore, these print conditions **have** predetermined print conditions. Applicant argues that the print conditions are not displayed on the print icons. This element has not been clearly disclosed in the present claims. Applicants also argue that another example embodiment is present application is not disclosed in either Fitzpatrick nor Hemenway. The example embodiment including the print short-cut icon is not clearly disclosed in the present claims.

Applicant argues that Fitzpatrick does not disclose the print icon can be generated on a screen of the display as a printer icon which is capable of designating at least one frequently used function among print processing functions processed by the printer. The print icon that includes the default parameters are generated for display to the user in Fitzpatrick. The designation of this generated print icon with default parameters reads on the designation of frequently used function among print processing functions. The default parameters represent the set parameters that all users can use

without any additional customization. The default parameters are designated to all print icons that are generated and first accessed by the user therefore representing frequently used function among print functions. Furthermore, Applicant has argued that these generated print icons are not newly generated print icons which argue limitations that have not been clearly set forth in the present claims.

Applicant argues that Hemenway does not disclose that print conditions are displayed on the display picture in a recognizable display form when the file icon is not located over the print icon. The Examiner respectfully disagrees. The feature for displaying the print conditions reads on any process where print conditions are accessed and displayed without a file icon not being located over the print icon. The well known method for accessing print conditions where a print icon is directly accessed reads on accessing and displaying print conditions when the file icon is not located over the print icon. Hemenway discloses this method where a print icon is directly selected by the user in response to which a display picture in a recognizable display form is displayed. When the user selects a print icon, a print dialog display form is displayed on the screen.

Applicant argues that Rzepkowski does not disclose a print preview of the file icon's associated file. The Examiner respectfully disagrees. Rzepkowski discloses a preview pane that graphically discloses the document. Parameters associated with the document are selected and applied to the document. The preview pane displays how these parameters will look when applied to the document. Therefore an image of the document is displayed in the print preview.

Applicant argues that one of ordinary skill in the art at the time of the invention would not have combined Fitzpatrick and Rzepkowski. The Examiner respectfully disagrees. Rzepkowski discloses generating a preview of an image that is scanned or printed to a file document. Both Fitzpatrick and Rzepkowski are associated with generating document data in a printed electronic format or a hardcopy format. Scanning reads on printing document but in an electronic format. Rzepkowski provides an image for print previewing of a document that is to be generated. Fitzpatrick would be motivated to learn from Rzepkowski to generate a print preview of the document that is to be generated by printing a hard copy. Therefore the combination of Fitzpatrick and Rzepkowski is proper.

Allowable Subject Matter

7. Claim 9 is allowed. The reasons for allowance of claim 9 have been previously disclosed in the office action mailed on 8/10/05.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Chow can be reached on (571) 272-7767.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Patent Examiner
Art Unit 2173
July 29, 2008

/Tadesse Hailu/

Primary Examiner, Art Unit 2173

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination
	09/833,651	NAKAI ET AL.
Examiner	Art Unit	
NAMITHA PILLAI	2173	